



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: MGE - 204350

PRELIMINARY RECITALS

Pursuant to a petition filed on February 3, 2022, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services regarding Medical Assistance (MA), a hearing was held on March 16, 2022, by telephone.

The issue for determination is whether the agency must proceed with processing the petitioner's application for MA Waiver programs.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

Attorney [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: [REDACTED]
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner was hospitalized at [REDACTED] from 8/13/21 to 9/17/21. She discharged to [REDACTED].
3. Petitioner applied for MA by application submitted on 1/3/22.
4. The agency processed this as a standard EBD Medicaid application. The agency denied the application because petitioner was over the asset limit of \$3,000 for standard EBD Medicaid.
5. Petitioner has a husband who resides in the community.
6. On 1/14/22 the petitioner was determined functionally eligible for MA waiver programs including Family Care and Family Care Partnership.
7. On 1/18/22 the agency received a request for community waiver programs.
8. The application was reopened for waivers and remains pending awaiting verification of financial eligibility as of a 1/31/22 date.

DISCUSSION

At hearing, the parties agreed that the application can be processed for waiver eligibility with the financial information the agency already has, including the information previously provided for determination of an August 2021 financial snapshot. The agency agrees that it can determine eligibility for waivers based on the August snapshot, the January application, and the January 14, 2022 determination of functional eligibility. The parties agree that this can move forward without the need for any additional financial submission.

Following the presentation of information from both parties, there does not appear to be any reason that a waiver enrollment date of 1/18/22 is not appropriate if petitioner meets other eligibility requirements.

CONCLUSIONS OF LAW

The parties have agreed to have the application processed with the information already submitted to the agency based on the August 2021 financial snapshot.

THEREFORE, it is

ORDERED

That this matter is remanded to the agency with direction:

1. to begin processing the application forthwith; and,
2. to determine eligibility for MA long-term waiver programs based on the August snapshot and any financial documentation already supplied to the agency, the January application, and the January 14, 2022 determination of functional eligibility; and,
3. if petitioner meets eligibility requirements then the enrollment date shall be 1/18/22 for any appropriate waiver program.

These actions must be completed within 10 days of the date of this Decision.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

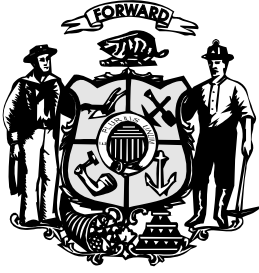
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 16th day of March, 2022



John P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 16, 2022.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability
Attorney [REDACTED]